



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 7, 1997

Ms. Roxann Pais  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR97-0478

Dear Ms. Pais:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 104241.

The City of Dallas Police Department (the "department"), which your office represents, received a request for information relating to a particular arrest report, referenced as Dallas Police service report number 0865292-C. You have submitted a representative sample of the requested records and claim that the information is excepted from disclosure under section 552.108 of the Government Code.<sup>1</sup> We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; see *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Since the submitted records at issue come within the purview of section 552.108, we conclude that most of the information at issue may be withheld under this section.

---

<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

We note, however, that information normally found on the front page of an offense report is generally considered public.<sup>2</sup> *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Therefore, except for front page offense report information, section 552.108 of the Government Code excepts the incident investigation records from required public disclosure. Although section 552.108 authorizes the department to withhold the remaining information from disclosure, the department may choose to release all or part of the information at issue that is not otherwise confidential by law. See Gov't Code § 552.007.

We note there is an affidavit for search warrant in the file. This affidavit is public under article 18.01(b) of the Code of Criminal Procedure if the warrant has been executed. We also note that a "Search and Arrest Warrant" and a "Return and Inventory" have been submitted. These must be released if they are public court documents. See, *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/rho

Ref.: ID# 104241

Enclosures: Submitted documents

cc: Datascope  
2225 E. Randel Mill Road Suite 500  
Arlington, Texas 76011  
(w/o enclosures)

---

<sup>2</sup>The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.